

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Case No: 05-4896

ZEMENCO, INC.,  
a corporation

v.

DEVELOPERS DIVERSIFIED  
REALTY CORPORATION,  
a corporation

Zemenco, Inc.,

Appellant

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On Appeal From the United States District Court  
for the Western District of Pennsylvania  
District Court No.: 03-cv-00175E  
District Judge: The Honorable Sean J. McLaughlin

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Argued October 24, 2006

Before: SMITH, FISHER, and COWEN, *Circuit Judges*

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JUDGMENT

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This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on October 24, 2006. On consideration thereof, it is now ORDERED and ADJUDGED that the judgment of the District Court entered on October 14, 2005, be and the same hereby is AFFIRMED.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/Marcia M. Waldron  
Clerk

Dated: November 9, 2006